

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ADAM GAI,

Plaintiff,

v.

TSA CLAIMS MANAGEMENT,

Defendant.

CASE NO. 2:22-cv-00575-RSM

ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS COMPLAINT

This matter comes before the Court on Defendant's Motion to Dismiss, Dkt. #4. Plaintiff Adam Gai alleges in this case that his bag was broken into by a TSA employee who stole his necklace. Dkt. #1-1 at 3. Defendant's Motion was noted for consideration on June 3, 2022. The Court has not received a timely response brief from Plaintiff Gai.

Failure to file a response brief under these circumstances can be interpreted by the Court as an admission that the motion has merit. LCR 7(b)(2).

The Court has reviewed Defendant's Motion and finds that Plaintiff's claims are untimely. Plaintiff's claim clearly falls under the Federal Tort Claims Act ("FTCA"). As a prerequisite to filing an FTCA action, a claimant must present an administrative claim to the appropriate federal agency within two years of when the alleged claim accrued. 28 U.S.C. § 2401(b). Once an agency

1 has issued a final denial of an administrative claim, the claimant must file an action in federal
2 district court within six months after the decision is mailed or the tort claim is “forever barred.”
3 *Id.*; see also *Lehman v. United States*, 154 F.3d 1010, 1014- 15 (9th Cir. 1998) (six-month
4 limitations period commenced running when agency mailed notice of final denial). Here,
5 Defendant has presented evidence that the TSA denied Plaintiff’s claim on November 27, 2019,
6 but that he waited until August 7, 2020, to file a Notice of Small Claim against the TSA Claims
7 Management in King County District Court. Defendant also presents evidence that it was not
8 served or notified of this claim until March 2022. Plaintiff’s failure to respond to this evidence
9 and argument is interpreted by the Court as an admission that the Motion has merit. LCR 7(b)(2).
10 Accordingly, this claim is properly dismissed as untimely.

11 Accordingly, after reviewing the pleadings and materials in this case, the Court hereby
12 ORDERS that:

13 Defendant’s Motion to Dismiss Complaint (Dkt. #4) is GRANTED. Plaintiff’s claim is
14 DISMISSED. This case is CLOSED.

15
16 DATED this 7th day of June, 2022.

17
18
19 

20 RICARDO S. MARTINEZ
21 CHIEF UNITED STATES DISTRICT JUDGE
22
23
24